

REMARKS

Claims 1-30 are pending in this application. The Non-Final Office Action dated June 1, 2006, allowed Claims 1-22, but rejects Claims 23-30. In response, Claims 23, 29 and 30 have been amended. No new matter has been added in this paper. For the reasons discussed below, Applicants submit that the pending claims are patentable over the art of record.

Allowable Claims 1-22:

The Office Action states that Claim 1 is allowed because the prior art fails to teach a combination of the steps of: "providing a threshold that is compared to a differential that represents loading differences between a queue associated with the kind of data included in the received packet and another queue that is unassociated with the kind of data included in the received packet, wherein the queue associated with the kind of data included in the received packet is overloaded when the differential exceeds the threshold," and "when the differential exceeds the threshold and operational logic is valid, automatically changing the mapping of the received packet from the queue to the other queue, wherein the other queue is less loaded than the queue associated with the kind of data included in the received packet when the differential exceeds the threshold." Independent Claims 11 and 22 are allowed for substantially similar reasons. Applicants agree that Claims 1, 11 and 22 are allowable for at least these reasons, but are also allowable because the other limitations of the independent Claims are also novel and non-obvious.

Rejections of Claims 23-30:

Claims 23-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zavalkovsky et al (US 6,882,940 hereinafter "Zavalkovsky") in view of Lu et al. (US 6,473,815 hereinafter "Lu"). Applicants respectfully traverse these rejections.

The Office Action admits that Zavalkovsky does not disclose at least some elements of Claim 23. Instead, the Office Action combines Zavalkovsky with Lu to make obvious Claim 23. We disagree with the Office Action's analysis.

Lu does not teach or suggest “determining whether the associated queue is overloaded based at least in part on a comparison of a threshold and a loading difference between the associated queue and an unassociated queue that is not associated with the kind of data included in the received packet,” as recited in amended Claim 23. In contrast, Lu discloses redirecting traffic flow from a lower class queue to a higher class queue when the lower class queue is full and the higher class queue is not full. Lu Abstract. Lu does not teach a use of a difference between the load of the lower class and higher class queues. Therefore, Lu does not teach or suggest “determining whether the associated queue is overloaded based at least in part on ... a loading difference...”

Moreover, not only does Lu not teach determining a difference between the loads of the two queues, Lu does not teach a comparison of the loading difference and a threshold. Therefore, Lu does not teach or suggest this limitation of amended Claim 23.

Furthermore, the Office Action has indicated that Claim 1 is allowed partly because Claim 1 recited “providing a threshold that is compared to a differential that represents loading differences ...” The addition of the “comparison” and the “threshold” elements to amended Claim 23 makes this element of Claim 23 similar, albeit, different that the novel and non-obvious element of allowed Claim 1. At least for these reasons, amended Claim 23 is not made obvious based on Zavalkovsky in view of Lu. Therefore, amended Claim 23 should be in condition for allowance.

Amended Claim 29 recites similar, albeit different limitations as Claim 23. Thus, amended Claim 29 should be allowable for substantially similar reasons. Additionally, Claims 24-28 and 30 depend from Claims 23 and 29 and should be allowable for substantially similar reasons as for their independent claims.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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